

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 23-7440-CBM-ASx

Date January 10, 2024

Title *Akhtar v. Compound Labs, Inc. et al.*

Present: The Honorable CONSUELO B. MARSHALL, UNITED STATES DISTRICT JUDGE

YOLANDA SKIPPER
Deputy Clerk

NOT REPORTED
Court Reporter

Attorneys Present for Plaintiff:

Attorneys Present for Defendants:

NONE PRESENT

NONE PRESENT

Proceedings: **IN CHAMBERS- ORDER RE: DEFENDANT COMPOUND LABS, INC.'S MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT FOR FAILURE TO STATE A CLAIM**

The matter before the Court is Defendant Compound Labs, Inc.'s Motion to Dismiss Plaintiff's First Amended Complaint for Failure to State a Claim, noticed for hearing on January 23, 2024. (Dkt. No. 26 (the "Motion").) Defendant moves to dismiss Plaintiff's First Amended Complaint as to the first, second, fourth, and sixth causes of action for breach of contract, breach of the covenant of good faith and fair dealing, fraud, and promissory estoppel.

The Court finds the matter is appropriate for decision without oral argument. Accordingly, the January 23, 2024 hearing on the Motion is VACATED and no appearances are necessary on January 23, 2024.

Pursuant to Local Rule 7-9 based on the noticed hearing date, Plaintiff's opposition to the Motion was due on January 2, 2024. However, no opposition to the Motion has been filed. Therefore, the Court deems Plaintiff's failure to file an opposition to the Motion as consent to granting the Motion pursuant to Local Rule 7-12. (See L.R. 7-12 ("The failure to file any required document, or the failure to file it within the deadline, may be deemed consent to the granting . . . of the motion . . .").) Accordingly, the Court **GRANTS** Defendant's Motion to Dismiss Plaintiff's First Amended Complaint, and dismisses Plaintiff's first, second, fourth and sixth causes of action for breach of contract, breach of the covenant of good faith and fair dealing, fraud, and promissory estoppel, respectively, without prejudice pursuant to Local Rule 7-12.

Plaintiff's third cause of action for unjust enrichment and fifth cause of action for conversion, which were not the subject of Defendant's instant Motion to Dismiss Plaintiff's First Amended Complaint, remain pending in this action.

IT IS SO ORDERED.